

1:07cv346

Defendants.

ORDER

Plaintiff is advised that the burden now shifts to him to refute this certification and prove to the court by a preponderance of the evidence that Defendant Walker was not acting within the scope of her employment. Specific evidence is required and

plaintiff cannot rely on conclusory allegations or speculation for failure to state a cause of action.

The court will allow plaintiff 14 days from the date this order is entered to make any such showing. Plaintiff is advised that if he fails to respond to defendants' motion, the court will recommend that his claim be summarily dismissed. Finally, plaintiff is advised that while he has a right to represent himself before the court, litigants are better served in federal court where they are represented by attorneys.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff respond to defendants' Motion to Substitute the United States and to Dismiss named defendants within 14 days of the filing of this Order.

Signed: October 30, 2007

_____

Dennis L. Howell
United States Magistrate Judge

